

Illinois U Library APRIL 3, 1947

Town Meeting



BULLETIN OF AMERICA'S TOWN MEETING OF THE AIR

BROADCAST BY STATIONS OF THE AMERICAN BROADCASTING CO.



Should the Communist Party Be Outlawed in the United States?

Moderator, GEORGE V. DENNY, JR.

Speakers

JOSEPH R. McCARTHY
EDWARD ARTHUR HAYES

ELLIS ARNALL
LEO CHERNE

(See also page 14)

COMING

—April 10, 1947—

Do We Really Elect Our Own President?

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THE BROADCAST OF APRIL 10:

"Do We Really Elect Our Own President?"



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BULLETIN OF AMERICA'S TOWN MEETING OF THE AIR

GEORGE V. DENNY, JR., MODERATOR



APRIL 3, 1947

VOL. 12, No. 49

Should the Communist Party Be Outlawed in the United States?

Moderator Denny:

Good evening, neighbors. Let me extend our special thanks to members of the Kiwanis Club of Chicago for their cooperation in connection with this meeting, and our special greetings to Kiwanians throughout the country who are assembled in discussion groups to meet with us.

Last week we discussed the question, "How Should the Democracies Meet the Challenge of Spreading Communism?" Our emphasis then was on the world picture.

This week we turn to the home scene with the question, "Should the Communist Party Be Outlawed in the United States?"

On the face of it, it seems rather strange that a great democracy such as ours would consider outlawing a political party that boasts a membership of less than 75,000 people out of a population of 142,000,000.

Why, then, should we give serious concern to this proposal?

Why, indeed, should five members of Congress introduce bills to make the Communist Party in this nation illegal? Are we afraid of so puny a force?

From the standpoint of Town Meeting the reason we are discussing this question is very simple. The Communist Party stands accused of operating as the agent of a foreign government, and this is an extremely serious charge. If true, it warrants our careful consideration.

This week Chairman J. Parnell Thomas of the Congressional Committee on Un-American Activities called on the Attorney General of the United States to prosecute the Communist Party for failing to register as an agent of a foreign power. Chairman Thomas holds that his committee investigation establishes beyond any doubt that the Communist Party of the United

States is now and has been since its inception an agent of a foreign government.

Is the evidence strong enough to convict the Communist Party of this charge? This is a question which will have to be decided by the Congress of the United States.

Since we are not a court of law, we aren't taking evidence here tonight, but there's enough evidence on the record to justify our consideration of this question on America's Town Meeting.

Because of the cloud of suspicion that hangs over the Communist Party on the basis of the Party's record, we believe we can have a more objective and useful discussion without members of the Communist Party participating as speakers.

There is little difference of opinion among our speakers as to the nature and objectives of the members of the Communist Party in this country, but they differ sharply in their views as to how to deal with them.

Senator Joseph R. McCarthy, Republican of Wisconsin, and Mr. Edward Arthur Hayes, Attorney of Chicago, will tell us why they think the Communist Party should be outlawed in the United States.

Former Governor Ellis Arnall of Georgia and Mr. Leo Cherne, executive secretary of the Research Institute of America, will tell us why they should be outlawed.

We will hear first from the distinguished attorney from Illinois, former National Commander of the American Legion, Mr. Edward Arthur Hayes. Mr. Hayes. (*Applause.*)

Mr. Hayes:

Mr. Denny, I believe the Communist Party should be outlawed in the United States. It is the servant of a foreign power. It accepts the doctrines of dictatorship as practiced in Russia. Any so-called party which places the interests of a foreign power above those of our own country, whether communist, fascist, or nazi, should be outlawed in the United States.

Governor Arnall and Mr. Cherne, would you disagree that Fritz Kuhn's German-American Bund was the servant of a foreign power, or that it should have been outlawed long before we entered the last war?

Western civilization faces the greatest crisis of its history. Communism, its enemy, is no longer a mere conspiracy. It is a world power, with an immense material base. Its aim is the moral and military defeat of the United States.

In its essence, communism conducts ruthless war against our capitalist society. The belief that we can work out a compromise and live peacefully side by side with communism is the most dangerous delusion of our age. We must either resist or capitulate.

Most people think of war as the conflict and movement of armies in the field. The war which the Communists are waging against us is taking place today with every means except military force.

Before we entered the last war, the Communists were allied with Hitler. At that time we saw Communists marching on Washington protesting against Selective Service, shouting "The Yanks are not coming."

They picketed the White House until the day before the Nazis marched into Russia. After that, within a month, they changed the name of the American Peace Mobilization whose members had done the picketing before the White House, and thereafter they called it the American Peoples' Mobilization and started their chant for the second front.

It is crystal-clear that the Communists in this country followed the party line, dictated from Russia, from 1939 to 1941, and as soon as the fate of the Axis was assured, the Soviet Union commenced an all-out diplomatic, economic, and ideological attack upon the United States.

One of the instruments of that attack is the American Communist Party. That party supports the foreign policy of the Soviet Union in the international communist war against American society.

What can we do about it?

We can start an all-out diplomatic, economic, and political counteroffensive. The first step should be legal action—outlawing the Communist Party. By this I mean a federal law forbidding under penalties membership in any political party which is the instrumentality of a foreign power.

I hope that Governor Arnall and Mr. Cherne will keep in mind that even the most precious of the constitutional rights in the United States—the right of free speech—is not without restraint in our law. There is no right, for example, to shout "fire" in a crowded theater when there is no fire.

To say that our constitutional system is impotent to meet a threat to its existence is to misunderstand the character of constitutional government.

But, it will be said, that outlawing the Communist Party will drive it underground. Well, the answer to this is that nine-tenths of it is already underground. (*Applause.*) The part that is above ground today is the administrative and organizational nerve center of the party.

I would deprive the party of legal existence because to do so would complicate their attempts to coordinate their various underground activities. It would confuse their followers and strike down their various organs of propaganda. Thus I would carry

the offensive to the enemy. In warfare, the most effective tactics are offensive tactics.

Finally, outlawing the party will forever destroy its false appearance of respectability as a political party operating within the constitutional limitations. No one wants to suppress liberal thought. The test of illegality here is not advocacy of socialistic revolution.

Governor Arnall and Mr. Cherne, please note carefully that the test which I would give the Communist Party is whether or not it is the instrumentality of a foreign power. People who desire to advocate a revolution in the political and economic structure of our system will continue to enjoy their constitutional right to bring about basic social changes by normal political processes. They will be denied those rights by law only if they are the servants of a foreign power. If they were not the servants of a foreign power, I would be perfectly willing for them to appear on the ballot anywhere in the United States.

Summarizing, the party should be outlawed because it serves here as the fifth column of the Soviet Union. Citizens of this great Republic who are Communists, seeking to destroy our country in the interests of the Soviet Union, are not worthy of the name "American." Aliens who are Communists should be shown the door im-

mediately. Thank you. (*Applause.*)

Moderator Denny:

Thank you, Mr. Hayes. Now we hear from a man who the last time he appeared on Town Meeting appeared as the adversary of a well-known Communist, Earl Browder. Tonight he holds that it is not wise to outlaw the Communist Party, and he's here to tell us why. Mr. Leo Cherne, executive secretary of the Research Institute of America. Mr. Cherne. (*Applause.*)

Mr. Cherne:

Mr. Denny, I wish you would use a smaller word than "adversary." I want to make it absolutely clear I was an opponent of Earl Browder on the last occasion.

There are times when democracy operates at a disadvantage in a contest with authority. We reach our decisions slowly and painfully. We can never have the efficient unity that a fuehrer or a commissar imposes. In a democracy, Mr. Hayes, the liberty to speak, to write, and to politically influence is available even to the fool, the charlatan, the bigot, the Fascist, or the Communist.

Why do we tolerate these threats to our institutions by the enemies in our houses? We do it because we believe that democracy as a method can build a stronger and a better community,

because dissent is still the only source of change, of growth, of progress. That doesn't mean that every dissenter contributes to progress or justice.

I know that the Communist uses the right of speech and press and political action to destroy those freedoms. But the one thing about the Communists I do not fear is that he will win in the battle of ideas, or in the open political contest. (*Applause.*)

I believe in civil liberties because I know, Mr. Hayes, that you cannot kill any idea, good or bad, by suppressing it. You only drive it further out of your reach. I wish there were some way of forcing the Communists into the spotlight.

That's why I fight a proposal that will merely push him further into the shadows.

This history of political suppression is a history of failure. Neither kings, nor emperors, nor inquisitions, nor ruthless tortures have ever stifled an opposition.

It is no accident that Communists have made less headway in this country and in Great Britain, where our freedoms have given them their greatest opportunity, than they have in any other country in the world. When Canada outlawed the Communist Party it won representation in the Parliament under a new name, the Labor Progressive Party, and

acquired greater strength than it ever had in its legal days.

The Communist Party is an anti-democratic, conspiratorial group. We cannot meet that threat by pretending as some innocents urge that it doesn't exist. Nor by pretending, as many frightened men urge, that we can abolish it by law.

We meet it by identifying the Communists correctly, by using every democratic resource against him effectively. If he is an agent of a foreign power, as Mr. Hayes so glibly, but probably accurately, asserts, then we have a law today which requires that he register as such.

If we can prove that he is and failed to register, he should be prosecuted. Is he committing a treasonable act? Is he a spy? Then we accuse him of these as we accuse a man of murder and accord him the same privileges in his own defense and the same assumption of innocence until convicted?

I have heard the Communists shout that our democratic society is not perfect. I have heard the same from Fascists. Both are telling the truth.

It is our job to enlarge our democracy, not because a Nazi or a Communist criticizes it, not even because they exploit these deficiencies of our state. Quite the contrary. We enlarge the privileges of the democracy because it

increases the health, welfare, and freedom of all men.

I oppose the remedy of suppression because it is a narcotic. It's a drug. It is an easy answer for a difficult problem. It finally becomes an escape from the problem itself.

If you could successfully suppress criticism, then you wouldn't have to cope with the basic trouble. More and more the words of the responsible critic would be shut off, rather than the evils against which his criticism may be aimed.

I know that the Communist Party seeks to exaggerate and aggravate the evils, not correct them. I know they are guided by the political maxim, "the worse, the better." I know that their criticism is dishonest, their arguments lies, and their technique conspiracy.

I recommend that we undress their dishonesty, shine truth in the face of their lies, and prosecute the conspirators. To do these, we must force the Communist into the open, where he can be watched, exposed, and answered.

To outlaw the Communist is to make his present immorality moral and to protect his present illegality from ethical criticism and effective prosecution. I loathe him. Therefore I want to keep an eye on him. He is my implacable enemy. Therefore, I would not

disarm myself by pretending to abolish him. (*Applause.*)

Moderator Denny:

Thank you, Leo Cherne. Now may we hear from one of the new members of the United States Senate, the Republican Senator from Wisconsin, a member of the Senate Banking and Currency Committee, the Honorable Joseph R. McCarthy. Senator McCarthy. (*Applause.*)

Senator McCarthy:

First, let me say that I agree with Mr. Cherne that the most dangerous part of the communist organization is underground. He and Governor Arnall, however, apparently overlook the very obvious fact, that, in order to keep their underground organization operating, the Communists must have the visible administrative organization above ground to act as a directional nerve center.

The Communist Party might well be compared to a huge iceberg in a shipping lane. The most dangerous part of the iceberg is under water and invisible and you can no more bring the underground communist organization up to the surface than you can cause that huge iceberg to float upon the face of the sea.

Now it is wishful thinking of the most dangerous kind to urge that the mere passage of a law and that alone can destroy the communist menace. However, one

of the questions tonight is, can anything be gained for America by continuing to place upon the ballot the name of a group dedicated to the destruction of this country by force? Or putting the question in our form, does a group whose first loyalty is to a foreign nation have any right on our ballot? (*Applause.*) The answer to that, ladies and gentlemen, is also definitely, "No." (*Applause.*)

I realize full well that merely outlawing the Communist Party and wiping the name "Communist" from the ballot is but one of the many actions to be taken.

In the short time available, let me mention a few of the equally important items that are *musts* on our program if we are to survive the communist menace.

1. The Department of Justice should rule that the Communist Party is an agency of a foreign power and subject to the Voorhis Act and the Logan Act which laws concern themselves with conspiracy against the Nation and action on the part of foreign agents.

2. The FBI should be empowered and directed to publish the names of all the communist front organizations such as Youth for Democracy, Progressive Citizens of America, and on down the line.

3. All communist aliens should be forced to leave the country.

4. Communists being the agents of foreign powers, should be barred from representing clients or

groups before labor and other boards.

5. Communists and members of communist front organizations should be required to register with a federal agency and be fingerprinted.

In short, we must shift from a negative policy to a positive policy.

Now let me here quote briefly from Lenin, the founder of the present-day communism: "It is necessary in order to spread communism to use any ruse, continuing unlawful methods, evasions, and concealment of the truth."

Now Joe Stalin in his book, *Problems of Leninism*, in urging communism upon the people had this to say, "It is the domination of the proletariat over the bourgeoisie unobstructed by law and based upon violence." Let me repeat that—this is Mr. Stalin—"unobstructed by law and based on violence."

Now when I hear and read of the communist concept that human life is valueless, that there are no human rights, and that there is no human soul, I cannot help but compare that concept with the American concept of life, so ably and briefly stated by a Marine corps chaplain before dawn one morning on the island of Bougainville.

The whole picture of an early morning is painfully clear before my eyes at this instant. Let me paint it for you. It was before one

of our first and roughest bombing attacks on the airfields and shipping in the Rabaul area. All of the pilots and gunners of our dive and torpedo bombing squadrons had been crowded into their ready tent.

After the briefing had been finished, after each squadron and each division and each section had been assigned its job in that day's bombing, my skipper, then Major Munn, turned to the chaplain and said, "Chaplain, we know that some of us shall die today. Might you have a few words to say?"

As the Chaplain rose, no other sound could be heard. That chaplain's body today lies on the floor of a vast moon-swept, wind-tossed Pacific, but his words I know are burned deep into the hearts and minds of each of those young pilots and gunners who still live, and this is what he said:

"If each of you young men shall remember two fundamental truths, two truths taught by all religious groups since the beginning of time, if you will remember first, that there is a God who is eternal, and second, that each of you has a soul which is immortal, then regardless of whether you die within the next few hours or live another 50 or 60 years, you shall serve yourself, your country, and your God to the last full measure."

That, ladies and gentlemen, is the American concept of life, a concept so foreign to the commu-

nistic concept, a concept preserved over the years by the expenditure of blood and flesh and steel. That concept of life we must preserve. That concept of life we shall preserve. (*Applause.*)

Moderator Denny:

Thank you, Senator McCarthy. Now, let's hear from one of the gentlemen about whom you've heard so much as one of the several governors of Georgia. (*Laughter.*) I scarcely need to say very much about him as his book, *The Shore Dimly Seen*, has been a best-seller for a long time.

Tonight you'll hear him in a new role on the negative of this question, taking sharp issue with Senator McCarthy. The former Governor of Georgia, the Honorable Ellis Arnall. Governor Arnall. (*Applause.*)

Mr. Arnall:

George Denny and friends, I am in thorough accord with the speakers who have preceded me in stating that democracy and the democratic concept of life and government are confronted today with the issue of communism.

Our enemy, communism, would rob individual mankind of liberty, dignity, and freedom. We must defend freedom and democracy against the assaults of communism.

But I cannot believe, Mr. Hayes and Senator McCarthy, that it's necessary to outlaw a political party made up of crackpots and

subversives in order to build up our defense against communism.

Because Communism is a serious threat in the United States, it is imperative that we bring it out into the open instead of driving it underground. The imperative thing to do is not to pass a law against a disease, but first it is necessary to locate the disease and then undertake to effectuate a cure.

We need to know who the Communists are, and to that end, I submit that they should be required to be registered and identified.

We should not drive them underground to meet in secret rendezvous, and to engage in conspiracies. Those actually engaged in conspiracies now ought to be prosecuted.

The laws against perjury, against conspiracies, against insurrection, against treason, should be enforced and if need be, they may be made stronger.

Mr. Hayes and Senator McCarthy, registration of foreign agents should be required, as the law now provides. Such an approach would let the public know who the Communists are, and would deal with Communists as law violators if they violate the law.

Also, there is a pressing need to require organizations affiliated with the Communist Party and running interference for it, to identify themselves.

Many Americans today are defrauded into giving aid and comfort to our communistic enemies without realizing that they are consorting with Communists and are aiding their program, a program which would rob men of dignity and freedom.

But we cannot make laws to control the minds and the intelligence of men. I do not believe the time has come yet when we are ready for thought police on the Japanese model. Once started, there would be no stopping.

The right of a man to argue in defense of his intellectual position is an inalienable right. If he is a foreign agent, he should be dealt with under the laws relating thereto.

But, curiously enough, Mr. Hayes and Senator McCarthy, I am not one who believes that democracy is decaying. I do not believe that democracy is dead, or that democracy is sick unto the death. Democracy is not a lazy man's way of life and government. We must work at democracy.

We cannot preserve freedom by the exercise of tyranny. If there is anything wrong with our Government today, we need to correct it with a good dose of American democracy.

So I submit, the most effective method of combating communism is:

1. Bring the Communists and the communist front organizations out into the open. Expose them. Turn the spotlight of publicity on them.

2. Strengthen criminal laws, and enforce those now on the statute books.

3. Preserve the civil liberties of our people, knowing that the democratic way of life and the democratic concept of government must prevail by reason of the merit of our way of life and our system of government.

4. Strengthen democracy by making it more virile, more dynamic and more vigorous. This can be done by giving to our people more education, health, and economic opportunity; by eradicating poverty, ignorance and disease.

5. We must preserve the capitalistic system as an incentive system of competitive free enterprise for all our people.

When democracy works, Senator McCarthy and Mr. Hayes, there is no incentive to a man to join a violent group that would deprive other men of freedom and liberty.

I desire to point out to the Senator and Mr. Hayes that the fundamental criticism of all totalitarian governments, whether communistic or fascistic, follow a pattern which brings about the destruction of civil liberties and freedom. I would not want us to adopt Hitlerism in this country as

a substitute for Jefferson's Bill of Rights.

We cannot preserve freedom by wiping out the civil liberties of our people. Outlawing the Communist Party is not the solution to the problem. It would only intensify it. We must expose the Communists and by such an approach and by strengthening democracy, by making it more alluring, we can protect the freedom of our people. (*Applause.*)

Moderator Denny:

Thank you, Governor Arnall. Well, you gentlemen had a pretty hot session up at the hotel this morning, and I wonder if you wouldn't like to join me up here around the microphone for a little quiet conversation before this great Chicago audience of 3,500 representative citizens takes hold. Oh, Senator, you have a comment first?

Senator McCarthy: I have a question to ask Governor Arnall. You say that if democracy worked, we need not worry about communism. Now, you will concede that the standard of living has improved a hundredfold during the last generation, but the communist threat is becoming more and more great. How do you reconcile the two?

Mr. Arnall: Well, Senator, it's true that we have been making progress in democracy but I point out that we have a long way to go. In the matter of health, when

40 per cent of the people called up for Selective Service cannot pass a physical examination, we need to do something about health.

In the matter of education, when we spend three times as much on cosmetics as we do on the education of our boys and girls, we need something done about education. (*Applause.*)

We have a long way to go. There is nothing wrong with our Government that democracy won't cure. Let's go to work.

Senator McCarthy: Let me interrupt, Governor. As Attorney-General of your state (1) advocated the outlawing of the Communist Party, (2) as Governor of your state, you did an excellent job of taking the charter away from the Columbians. That was denying the Columbians legal existence. I wonder why you don't want to deny the Communists legal existence.

Mr. Arnall: Thank you, Senator McCarthy. In the first place, it is true that when I was Attorney-General, on one occasion, I suggested outlawing the Communist Party but as one goes along and observes, sometimes one changes one's mind. (*Applause.*) There was a time, for example, and I confess it, that I cast my vote for the late Eugene Talmadge in my state. (*Applause and laughter.*)

Now, in reply to the second issue it is true that the Columbians were chartered in my state. It is true, that, as Governor I directed that the charter of the Columbians be withdrawn. The reason was that the charter set out that this was a fraternal organization, organized to promote good will and fraternity and to improve the lot of mankind, whereas that was a fraud on its face, so we moved against it.

Let me point out, Senator McCarthy and Mr. Hayes one other observation. We, today, have the leaders of the Columbian Party or organization in my state in the penitentiary. They were not sent to the penitentiary for being Columbians, but they were sent to the penitentiary for inciting riot and one of them had possession of dynamite to dynamite a house.

So, I insist that the Communists and all subversive groups should be dealt with not by reason of their belief, but by reason of the transgression of law. (*Applause.*)

Senator McCarthy: In your prepared presentation, Governor, I noted that you stated that you would strengthen the criminal laws with relation to communism in this country. How would you do that?

Mr. Arnall: I did not say that I would strengthen the criminal laws in reference to communism. I said I would strengthen the

criminal laws period—in reference to all law violators and all subversive groups. For example, if today the Communist Party is affiliated with Russia and is acting as an instrumentality of the Russian government, under the law, the members are required to register, and if they don't register, they

should be prosecuted. If the laws need strengthening, they should be strengthened. Quite frankly, I think there are enough laws on the books if we move in. But if we need more laws, let's have more laws. But let's not deprive people of constitutional and civil liberties. (*Applause.*)

THE SPEAKERS' COLUMN

JOSEPH R. McCARTHY—Elected Republican Senator from Wisconsin in November, 1946, he was formerly a circuit judge. He was born in Grand Chute, Wisconsin, in 1909, and is a graduate of Marquette University. From 1935 to 1938 he practiced law at Waupaca, Wisconsin, and has been a member of the firm of Eberlein and McCarthy at Shawano, Wisconsin, since 1938. In 1939, he was elected circuit judge. In the Senate, he is a member of the Banking and Currency Committee.

Senator McCarthy served in the U. S. Marine Corps with Air Force Intelligence in World War II. He was discharged as a captain in 1945.

EDWARD ARTHUR HAYES—A prominent Chicago attorney, Mr. Hayes is a former Commander of the American Legion. Mr. Hayes was born in Morrissonville, Illinois, in 1893, and as young as 16 he was working as a stenographer and court reporter. He was admitted to the bar at the age of 22 and is now a member of the law firm of Hayes, Downing, and Rosenberg.

During World War I, Mr. Hayes served in the Navy from 1917 to 1919. In 1933, he was commissioned a lieutenant commander in the United States Navy Reserve. He has been active in affairs of the American Legion since its organization and has served in various capacities in his local group as well as the national group. In 1933, he was elected National Commander.

ELLIS GIBBS ARNALL — Governor of Georgia from 1943 to 1947, Mr. Arnall has become one of the most dramatic, most progressive, and most successful political leaders in the history of his state. In Georgia, no Governor can serve successively for more than four years, or he might have been reelected.

Member of a family which made its wealth in the cotton textile industry, Mr. Arnall was born in Newnan, Georgia, in 1907. His college career started at Mercer University in Macon, continued at University of the South at Sewanee, where he received his B.A. degree, and at the University of Georgia where he received his degree in Law.

Back home in Newnan, Ellis Arnall hung out his law shingle, but he soon got interested in politics and was elected to the state legislature. From 1933 to 1937, he was speaker pro tem of the House of Representatives. In 1937, he was appointed assistant attorney general, and in 1939 became attorney general. In 1943, he became Governor at the age of 35, the youngest governor in the country.

Mr. Arnall's recent book, *The Shore Dimly Seen*, a study of conditions in the South, has become a best-seller. At present he is greatly in demand as a speaker.

LEO M. CHERNE—Well-known economist and legislative analyst, Mr. Cherne is executive secretary and treasurer of the Research Institute of America, Inc., with which he has been affiliated since 1936.

Born in New York City in 1912, he specialized in journalism and sociology at New York University from 1929-34. From the same university he received an LL.B. degree in 1934. Before joining forces with the Research Institute, Mr. Cherne was editor of the *Pulnam Times*, and spent a year practicing law. He has been economic analyst and commentator for the Mutual Broadcasting Company since 1942.

In addition to his writings in connection with the Institute, Mr. Cherne has written numerous articles and books, such as *Adjusting Your Business to New Legislation*, *Guide to Tax Economy*, *The Rest of Your Life*, and *The Communist in Labor Relations*.

Mr. Denny: Leo Cherne, why are you as quiet as a mouse?

Mr. Cherne: Well, I've been greatly enlightened by this discussion, and it seems to me that the difference of opinion may not be quite as large as it seems. As I recall your remark, Mr. Hayes, you were requesting that the Communist Party be compelled to register as an agent of the foreign government. Now we have a statute which compels just that. I'd like to ask this, Mr. Hayes, if that statute is enforced, and if it can be demonstrated that the Communist Party is such an agency, you will be satisfied, I assume?

Mr. Hayes: So far as I'm concerned, if it's established, and I think it has been established, that the Communist Party is an agency of the Soviet Government, then they ought to be required to register under the Voorhis law, or whatever the law is down there.

I take it you two gentlemen on the other side are agreeing with us that there is right now a law, and that therefore it's unlawful. I know, Mr. Cherne, that you have agreed that they are an agency of a foreign government, and I think you know of Professor Budenz' testimony along the same lines.

Mr. Cherne: Well, let me say this—and this goes to the essence of our form of government, Mr. Hayes—you and I may agree between ourselves that we believe

the Communist Party to be an agency of a foreign government. You and I may agree between ourselves that someone is a crook, but the wonderful thing about our structure of government is that what we believe is not adequate to hang someone else. There is a courtroom which must be satisfied.

Mr. Denny: Now, while you gentlemen get ready for our question period, I'm sure that our listeners will be interested in the following message.

Announcer: You are listening to America's Town Meeting of the Air, brought to you by Town Hall and the American Broadcasting Company.

For your convenience, we print each week the Town Meeting Bulletin, containing a complete transcript of tonight's discussion, including the questions and answers to follow. You may secure tonight's Town Meeting Bulletin by writing to Town Hall, New York 18, New York, enclosing 10 cents to cover the cost of printing and mailing.

If you would like to have this bulletin in the handy pocket-size come to you regularly each week, enclose \$1 for 11 weeks, \$2.35 for six months, or \$4.50 for one year. Remember the address — Town Hall, New York 18, New York, and allow at least two weeks for delivery.

Now for our question period, we return you to Mr. Denny.

QUESTIONS, PLEASE!

Mr. Denny: Now, here's where members of this 3,500 Chicago audience has an opportunity to secure a \$210 set of the *Encyclopedia Americana*. If you ask a question which our committee of judges considers best for bringing out new facts and increasing our understanding of this subject, provided also that you limit your questions to 25 words, a 30-volume set of the *Encyclopedia Americana* will be on its way to you tomorrow. So make your questions good, stick to the subject, and keep them to within 25 words. We're going to start with this young lady over here. Yes?

Lady: Mr. Hayes, don't you believe our most offensive attack on communism is not through legislation, but rather through an aroused American citizen, using the dynamic power of his vote on election day?

Mr. Hayes: I can agree with you 100 per cent that that should be practiced, but when any individual is an agent of a foreign power, he should be outlawed here or in any other country that wants to maintain its existence.

Mr. Denny: Thank you. The gentleman there, will you please speak in the direction of the microphone. Yes, the gentleman in the center.

Man: Mr. Cherne. Does not the insignificant vote total of the Com-

munist Party provide one of the best proofs to Americans of the falsity of communist claims?

Mr. Cherne: I think there's something it proves far more effective than that. It proves the vigor of a genuine democratic society, because there is no other society in which the Communist has as little strength as in ours.

Mr. Denny: Thank you. The gentleman on the aisle.

Man: My question is directed to Senator McCarthy. Isn't it obvious that suppression would endow the Communist Party with an undeserved martyrdom?

Senator McCarthy: No. You don't make a murderer a martyr by enforcing the law and punishing him. In Marine Corps parlance, my thought is this, that when a man violates the law to the extent the Communists are, then we should lower the boom on them.

Mr. Denny: Thank you. Governor Arnall has a question.

Mr. Arnall: In connection with that question, I want to ask Senator McCarthy if it's not true that J. Edgar Hoover, in testifying before Congressional Committee, recently as head of the FBI, did say that, in his judgment, the suppression of the Communist Party by outlawing it would make the Communist Party a martyr party and create sentiment for it?

Senator McCarthy: No, sir, Hoover did not do that. He said he would hesitate before he would advocate outlawing the Communist Party.

Mr. Cherne: I think we have one of the best evidences of what outlawing a party does, by what happened after the last war. The Socialist Party was outlawed in a number of states. In New York, which was one of those states, where they had seventeen members in the New York State Assembly, Charles Evans Hughes, subsequently head of the United States Supreme Court, came to their defense. Eugene V. Debs was thrown in jail for violation of American law, and the Socialist Party pulled the largest vote of its career while their candidate for president was in jail. (*Applause.*)

Mr. Denny: All right, Governor Arnall.

Mr. Arnall: I want to ask Mr. Hayes this question. Since he advocates outlawing the Communist Party, does he advocate outlawing the Socialist Party?

Mr. Hayes: I certainly do not for the very clear differentiation that they are not the agent of a foreign government. (*Applause.*) Mr. Thomas is one of the most respected individuals in the United States, in my judgment, and people of that type have spoken openly and they should be permitted to continue to speak so long as they

are not the agent of a foreign government.

Mr. Arnall: Then when—

Mr. Hayes: When they are that they should be outlawed.

Mr. Arnall: Then, Mr. Denny—

Mr. Denny: Just a minute. Governor? All these fellows up here are trying to grab this microphone.

Mr. Arnall: Then, Mr. Denny, I ask Mr. Hayes this question. Does he advocate outlawing the American Labor Party?

Mr. Hayes: If I understand correctly, I could give the identical answer. I don't know much about the American Labor Party, but I believe it's an organization to which a great many of our Communists have adhered—I don't know that—but I don't believe it is the agency of a foreign government. If it is, it ought to be outlawed.

Mr. Arnall: Well, Mr.—

Mr. Denny: Just a minute, let the Senator get in on this.

Senator McCarthy: In connection with your question, Governor, I would like to read from the oath of the Communist Party, which will answer your question. I quote from the oath of the Communists:

"I pledge myself to rally the masses to defend the Soviet Union, the land of victorious socialism. I pledge myself to remain at all times a vigilant and firm defender of the Leninist line of the Party, the only line that insures the tri-

umph of the Soviet power in the United States.”

Mr. Arnall: Well, Mr. Denny, I don't intend to let Mr. Hayes get away with that answer he gave me about the American Labor Party. Everyone in America knows that the only Congressman of the American Labor Party is a gentleman from New York by the name of Vito Marcantonio, and if you look at his record, every vote he's cast, I am told, it is alleged, is in conformity with the Communist Party line. Now if that is true, Mr. Hayes, why don't you go outlaw his party?

Mr. Hayes: For the reason that, specifically, it has never been established to anyone's satisfaction, by any witnesses that I know of, other than perhaps the Governor's statement here about Vito Marcantonio—and I opposed him just as vigorously as I knew how—but it's never been established by the witnesses who have been produced that the American Labor Party is the agent of a foreign power. If it is, I say it ought to be outlawed. *(Applause.)*

Mr. Denny: All right, we've got that point now. Let's let Mr. Cherne in here. It's awfully hard to refuse that charming Governor from Georgia. He has a very winning smile. Go ahead, Leo.

Mr. Cherne: Well, here's the trouble with this whole mechanism of outlawing. Now you take that oath that Senator McCarthy read.

I wish that were the oath of the Communist Party today, because it would make the job of exposing their real aim a great deal easier. It so happens that the last time that oath was given was in 1936, and since then they've cleaned it up so that the oath now sounds as though the member were joining the Democratic Party. *(Laughter.)*

Senator McCarthy: You don't think for one minute that the Communists have changed because they have stricken some words from the oath?

Mr. Cherne: No. No, I don't for a moment think they have changed, because they've stricken out the words, but I do think that it requires a great deal more than our say-so, Senator McCarthy, to condemn to oblivion any individual or any political group. I think it requires the procedure for which we have established the third arm of government called the judiciary.

Mr. Denny: Thank you. Now let's get back down into the audience and take the lady with the white gloves.

Lady: Governor Arnall, why was it un-American to denounce communism and to be classified as an isolating Fascist until Churchill gave us the green light at Fulton?

Mr. Denny: Well, now, that's an involved question. Bringing Mr. Churchill and his Fulton speech into—I don't know what that does to clarify this discussion.

Do you want to comment on it? Governor, do you see what she's driving at?

Mr. Arnall: Not quite, no. (*Laughter.*)

Mr. Denny: Leo Cherne is smarter than we are. He says he gets it.

Mr. Cherne: Yes, I've been following the party line long enough to know what the use of the word Churchill means, and I want to clear up a libel on the American people. It didn't take Winston Churchill to tell us the nature of authority when it occurred in Italy, nor to determine what its nature was when it occurred in Germany and there were many of us who spoke a long time before Winston Churchill ever even heard of Fulton, Missouri.

Mr. Denny: Thank you. The gentleman on the second row here.

Man: Senator McCarthy, in the concluding remarks of your opening address, you said that you recommend that the Communists be spotlighted, be identified, be registered, be persecuted. I'd like to know from you—

Mr. Denny: He said fingerprinted, too. (*Laughter.*)

Man: Yes, fingerprinted. I'd like to know from you how you could register them, fingerprint them, or prosecute them, if you make the species extinct by voting them out of existence.

Senator McCarthy: First let me correct one word. I didn't say per-

secuted. I said prosecuted. There is a big difference.

Sir, I don't think you can make the species extinct by passing a law. I think one of the things which we must do is to pass a law to take from the Communists the dignity of placing them upon the American ballot. In addition to that, I think that we must take the members of every communist front organization of the Communist Party and make them register and have them fingerprinted.

Mr. Denny: Thank you. Now the gentleman way up there in the balcony.

Man: My question is directed to Mr. Arnall. Due to the extremely vague definition of what a Communist is, don't you think it's very likely to lead to discrimination by simply calling communistic anything objectionable to the "100 per cent Americans"?

Mr. Arnall: My own belief is, as I pointed out, that if once you start the deprivation of civil and constitutional rights there is no stopping. The next thing you know they will be outlawing the Catholic church and the Masonic Order, the C.I.O., the N.A.M., and the Rotary Club, and I don't want that to happen. (*Laughter.*)

Mr. Denny: Don't forget the Kiwanians are our hosts tonight, Governor. Yes, Senator?

Senator McCarthy: Let me answer that further if I may. I think a tremendous amount of damage

has been done by calling a lot of good, serious, liberals, Communists. The word "communism" is such a libelous phrase that I believe it should be reserved only for those who should receive that type of defamation.

Mr. Denny: Thank you. Now the gentleman over here.

Man: Mr. Hayes. Is it not advisable to let the virus of communism run its force so as to build up the resistance of the body politic?

Mr. Denny: The gentleman sounds like a doctor. Go ahead.

Mr. Hayes: I agree with J. Edgar Hoover in his testimony which is exactly this: it is a disease which can become an epidemic and it should be quarantined. (*Applause.*)

Mr. Denny: Thank you. All right, Senator.

Senator McCarthy: Let me comment on that further. Talking about letting it run its course, if you realize that now the Public Works Union in the Panama Canal Zone consisting of 17,000 men is controlled by the Communists, if you realize that practically all of the radiomen on merchant ships, as well as your officers in the Merchant Marine, are Communists, then you realize that you cannot let that disease run its course and perhaps destroy the country.

Mr. Denny: Thank you. The gentleman up in the balcony.

Man: Mr. Arnall. Do you not believe that it is the right and duty of any sovereign nation to suppress anything that would supplant it?

Mr. Arnall: I can imagine some things that should be suppressed, yes. On the other hand, I don't think intellectual freedom should be suppressed.

I want to make this statement, too, while I'm up because Mr. Denny won't give me the floor. Mr. Hayes keeps talking about the Communist Party being a foreign agency. If that is true, under the law today, they are supposed to be registered. If they don't register they should be put in the penitentiary. If that is true, you don't need a law outlawing them. (*Laughter.*)

Mr. Denny: All right. No, I'm sorry. Our time is up. Now while our speakers prepare their summaries of tonight's question, here is a message of interest to you.

Announcer: Last week some of you misunderstood the announcement about our contest on the subject "How Can We Strengthen the American Family." This is the contest question—not communism.

Write a letter of not more than 750 words expressing your opinions on the question, "How Can We Strengthen the American Family?" Mail your letter to Family Contest, care of Town Hall, 123 West 43d St., New York

18, N.Y., not later than May 1, 1947.

All letters become the property of Town Hall, but you may win \$500 in cash and a trip to New York as well as an appearance on America's Town Meeting on May 29—Town Meeting's 12th Anniversary broadcast.

There will be ten second prizes consisting of a set of the *Encyclopedia Americana* for each winner and there will be 50 Town Hall Certificates of Merit. Entries will be judged by a board of experts, including five Town Hall trustees, and their decisions will be final.

Mr. Denny: Now, we're about to begin our summaries with Governor Arnall who is going to be one of our guest moderators this summer and then he'll be on the spot. Governor Arnall, come on.

Mr. Arnall: In my judgment, communism is antagonistic to Americanism and democracy. We would not effectively deal with domestic communism by merely outlawing the Communist Party. We need to take positive steps. These are to require registration of Communists and Communist front organizations so as to expose them, preserve the civil liberties of our people, and make democracy more virile, more workable, and more dynamic.

Mr. Denny: Thank you, Governor Arnall. Now may we hear from Senator McCarthy.

Senator McCarthy: Briefly, we all concede that the Communist Party is vicious, it is dangerous, and it is anti-American.

Therefore, I say there is no conceivable reason why this Party should be dignified by having its name on the ballot. In order to preserve their underground activities, they must have the overground activities which we should outlaw.

Mr. Denny: Thank you. Now, Leo Cherne.

Mr. Cherne: The undignified names on the ballot in the history of America are legion. No sensible person I know of is afraid that the Communist Party will win an election. Then, why, in our right mind would we close the one alley that is completely safe.

Both Senator McCarthy and Mr. Hayes insist that their major objection against the Communist Party is the allegiance of the Communists to the Soviet Union. There is a law designed for just that purpose. Enforce the law. Two unenforced laws are worse than one that's used. But don't use the Congress to do the job reserved by the Constitution to the attorney-general and the courts.

We fear the Communist because he threatens our freedom. Let's not, therefore, cancel our freedom in an unnecessary effort to suppress our enemy. (*Applause.*)

Mr. Denny: Thank you, Leo Cherne. Now, Mr. Hayes.

Mr. Hayes: Finally, I bring two witnesses—one, Professor Budenz and the other, my illustrious opponent, Mr. Cherne.

Budenz said October 13, "I charge today, as a result of my experience, that the Communist Party is a fifth column agent of the Soviet Government reflecting only what the dictatorship in the Kremlin wants done, and doing only what Moscow directly desires.

My dear friend, Leo Cherne, in his article in *Look* magazine on March 4 said, "Their real and only allegiance is to a foreign power. Any cause, program or slogan is merely a convenient weapon in a global war. They are the most aggressive nationalists in America, today, advancing the cause of Soviet nationalism. They should be outlawed."

Mr. Denny: Thank you, Mr. Hayes, Leo Cherne, Senator McCarthy, and Ellis Arnall for helping us to think through a vital question on which we all have opinions. Thanks also to the Chicago Kiwanis Club and especially Mr. Phil J. Paul and Mr. George P. Ellis.

Next week, we tackle another question on which we can really get excited because it has to do with how we elect our Presidents. If you happened to have read the highly provocative article in the current issue of the magazine '47, you will know what we mean

when we pose the question "Do We Really Elect Our Own President?" Mr. Drummond charges that we do not, and he and Senator George D. Aiken, Republican of Vermont, will argue next week that we should have direct primaries to select the party nominees for president.

Opposing their views will be the distinguished American Broadcasting Company commentator, Elmer Davis, and Senator John J. Sparkman, Democrat of Alabama. This program will originate in Washington, D.C., in the Department of Interior Auditorium. Tickets may be secured through station WMAL.

Have you written your letter on the subject "How Can We Strengthen the American Family?" The Russell McGuire Foundation is contributing two \$500 cash prizes and all expenses to New York and return for the man and woman who write the best 750-word letter for this question.

The next ten runners-up will each receive a set of the *Encyclopedia Americana*. All letters become the property of Town Hall and entries will be judged by a Board of Experts including five Town Hall trustees. Mail your entries to Family Contest, Town Hall, New York 18, not later than midnight, May 1.

Speaking of prizes, our committee of judges awards a set of

the *Encyclopedia Americana* to-
night to Mr. Radford Hancky of
Evanston, Illinois. Congratula-
tions, Mr. Hancky. (*Applause.*)

So we invite you to plan now
to be with us next week and every
week at the sound of the crier's
bell.

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